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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,781	12/24/2003	Toshikazu Yoshimi	Q79096	9460
23373	7590	07/26/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LUKS, JEREMY AUSTIN	
			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,781	<b>Applicant(s)</b> YOSHIMI ET AL.	
	<b>Examiner</b> Jeremy Luks	<b>Art Unit</b> 2837	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto (JP 08289381 A) in view of Dodd (6,116,373). Morimoto discloses an attaching plate (Figure 1, #10) with a hole in which a sound and vibration-generating speaker (13) is attached, comprising a panel provided on a door of a vehicle (See Abstract). Morimoto fails to teach wherein the attaching plate comprises an arced or rounded cutout portion formed in a vicinity of and partially surrounding the hole, the cutout portion filled with a filler and suppressing a propagation of vibration generated in the speaker; a first cutout portion comprising a plurality of holes arranged intermittently; and a second cutout portion arranged on a vibration propagation path of a vibration

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propagating between the holes of the first cutout portion; and wherein the cutout portion comprises a fold-back portion in which the edge of the attaching plate is folded back to a rear side thereof. Dodd teaches a hole (See hole in center of surface #20) in which a sound and vibration-generating speaker is attached (20) to structure (10) with no gap in therebetween (Col. 3, Lines 31-33), wherein the structure (10) comprises an arced or rounded (Col 3, Lines 57-60) cutout portion (24) formed in a vicinity of and partially surrounding the hole (Col. 3, Lines 51-53, Col. 4, Lines 29-32), the cutout portion (24) is filled with a filler (30) and suppresses a propagation of vibration generated in the speaker; a first cutout portion (Figure 1, #24) comprises a plurality of holes arranged intermittently; and a second cutout portion (24) arranged on a vibration propagation path of a vibration propagating between the holes of the first cutout portion (24) (Col. 3 Lines, 40-44; Col. 4, Lines 40-41); and wherein the cutout portion (Figure 1, #24) comprises a fold-back portion (28) in which the edge of the attaching plate (10) is folded back to a rear side thereof (Col. 3, Lines 61-67; Col. 4, Lines 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the apparatus of Morimoto with the apparatus Dodd in order to suppress vibrations from entering the door panel.

### ***Response to Arguments***

2. Applicant's arguments filed 6/23/06 have been fully considered but they are not persuasive. With respect to the argument of Dodd failing to teach an attaching plate,

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Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. With respect to the argument of the *cutout portion not being formed in the vicinity of the hole*, The Examiner refers to Dodd, Col. 3, Lines 51-53. Dodd teaches that the slots or cutout portions can extend substantially the length of the sidewalls, placing them *in the vicinity of* the hole formed in flange #20. With respect to the argument of *the cutout portion not suppressing a propagation of vibration generated by the speaker*, The structural resonance described by Dodd is a resonance or vibrations which are transmitted from the speaker to the structure (10) of Dodd, thus the propagation of vibrations from the speaker are suppressed from further propagating to the panel when used in combination with Morimoto.

### **Conclusion**

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy Luks whose telephone number is (571) 272-2707. The examiner can normally be reached on Monday-Thursday 8:30-6:00, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremy Luks  
Patent Examiner  
Art Unit 2837

  
LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER